

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

CITIZENS FOR COMMUNITY VALUES, INC., :

Plaintiff, :

vs. :

UPPER ARLINGTON PUBLIC LIBRARY  
BOARD OF TRUSTEES, :

Defendant. :

Case No. 2:08-cv-00223-GCS-NMK

Judge George C. Smith

Magistrate Judge Norah McCann King

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**DECLARATION OF KEVIN H. THERIOT IN SUPPORT OF  
PLAINTIFF'S REQUEST FOR ATTORNEYS FEES AND NON-TAXABLE EXPENSES**

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Pursuant to 28 U.S.C. § 1746, I, Kevin H. Theriot, state as follows:

1. The matters declared herein are based upon my own personal knowledge.
2. I am Senior Counsel with the Alliance Defense Fund, a non-profit public interest law firm. I am counsel for Plaintiff in the above-captioned matter.
3. This declaration is filed to demonstrate the reasonableness of the total number of hours I incurred on behalf of Plaintiff in this matter.
4. I served as the supervising attorney in this case, and my involvement included overseeing the general strategy and implementation of the litigation, as well as reviewing pleadings, motions, memoranda, discovery-related documents and correspondence.
5. As reflected on the attached timesheet, my firm is seeking compensation for 5.8 hours of my time spent in furtherance of the excellent results obtained in this litigation on behalf of our client. My timesheet is based on contemporaneous time records that I kept as I worked on each task. After coordinating with my co-counsel as part of my firm's regular practice of

exercising billing discretion (to attempt to ensure that we eliminate administrative tasks, excessive research or drafting, or duplicative work from our fee requests), I have omitted from my timesheet all communications with my co-counsel regarding this case, and have only included the time I spent reviewing pleadings and orders related to this case. A true and correct copy of my itemized timesheet is attached hereto as Exhibit A.

6. When multiplied by my hourly rate of \$325.00, the total amount of attorney fees for which I personally seek recovery is \$1,885.00.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 26th day of September, 2008.

/s/ Kevin H. Theriot  
Kevin H. Theriot  
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Alliance Defense Fund  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2008, I electronically submitted the foregoing document with the Clerk of Court using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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